

Mail Stop Interference  
P.O. Box 145  
Alexandria, VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Paper 1  
Filed: 23 February 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**ANDREAS W. DREHER**  
Junior Party  
(Patent No. 6,840,619),

v.

**RONALD D. BLUM, DWIGHT P. DUSTON and DAN KATZMAN**  
Senior Party  
(Application No. 11/636,510).

---

Patent Interference No. 105,681 (SCM)  
(Technology Center 2800)

---

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

---

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1   **Part A. Declaration of interference**

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3   identified parties. Details of the application(s), patent (if any), reissue application  
4   (if any), count(s) and claims designated as corresponding or as not corresponding  
5   to the count(s) appear in Parts E and F of this DECLARATION.

6   **Part B. Judge managing the interference**

7           Administrative Patent Judge Sally C. Medley has been designated to manage  
8   the interference. Bd. R. 104(a).

9   **Part C. Standing order**

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11   DECLARATION. The STANDING ORDER applies to this interference.

12   **Part D. Initial conference call**

13          A telephone conference call to discuss the interference is set for **1:00 p.m.**  
14   **on 23 April 2009** (the Board will initiate the call).

15          No later than **four business days** prior to the conference call, each party  
16   shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;  
17   Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as  
19   Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the  
20   schedule prior to the conference call and to agree on dates for taking action. A  
21   typical motion period lasts approximately eight (8) months. Counsel should be  
22   prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors: ANDREAS W. DREHER, Escondido, CA

Involved Patent: U.S. Patent 6,840,619, issued 11 Jan. 2005, based on Application 10/773,667, filed 06 Feb. 2004

Title: EYEGLOSS MANUFACTURING METHOD USING VARIABLE INDEX LAYER

Assignee: Comerica Bank

Senior Party

Named Inventors: RONALD D. BLUM, Roanoke, VA  
DWIGHT P. DUSTON, Laguna Niguel, CA  
DAN KATZMAN, Givat Ela, Israel

Involved Application: Application 11/636,510, filed 11 Dec. 2006

Title: SYSTEM, APPARATUS AND METHOD FOR CORRECTING VISION WITH AN ADAPTIVE OPTIC

Assignee: none

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Dreher's Patent 6,840,619

4 or

5 Claim 1 of Blum's Application 11/636,510

6 The claims of the parties are:

7 Dreher Patent 6,840,619: 1-21

8 Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

9 The claims of the parties which correspond to Count 1 are:

10 Dreher Patent 6,840,619: 1-21

11 Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

12 The claims of the parties which do not correspond to Count 1, and therefore  
13 are not involved in the interference, are:

14 Dreher Patent 6,840,619: none

15 Blum Application 11/636,510: none

16 The parties are accorded the following benefit for the Count:

17 Dreher: 10/044,304, filed 25 Oct. 2001, now  
18 Patent 6,712,466, issued 30 Mar. 2004

19  
20 Blum: 11/091,104, filed 28 Mar. 2005, now  
21 Patent 7,188,948, issued 13 Mar. 2007

22  
23 10/626,973, filed 25 Jul. 2003, now  
24 Patent 6,918,670, issued 19 Jul. 2005

25  
26 09/602,013, filed 23 Jun. 2000, now  
27 Patent 6,619,799, issued 16 Sep. 2003

28  
29 60/161,363, filed 26 Oct. 1999  
30

60/150,564, filed 25 Aug. 1999

60/150,545, filed 25 Aug. 1999

60/147,813, filed 10 Aug. 1999

60/143,626, filed 14 Jul. 1999

60/142,053, filed 02 Jul. 1999

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference,  
see SO & 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**ANDREAS W. DREHER**

Junior Party  
(Patent No. 6,840,619),

v.

**RONALD D. BLUM, DWIGHT P. DUSTON and DAN KATZMAN**

Senior Party  
(Application No. 11/636,510).

---

Patent Interference No. 105,681 (SCM)  
(Technology Center 2800)

---

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite  
3 processing of the request. Please attach a copy of Parts E and F of this  
4 DECLARATION with a hand-drawn circle around the patents and applications for  
5 which a copy of a file wrapper is requested.

6  
7 /Sally C. Medley/  
8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER  
11 Form PTO-850  
12 Copy U.S. Patent 6,840,619  
13 Copy of claims of Application 11/636,510  
14  
15  
16

17 Revised 3 January 2006  
18  
19

1 cc (via overnight delivery):

2  
3 Attorney for Dreher:

4  
5 KNOBBE MARTENS OLSON & BEAR LLP  
6 2040 MAIN STREET  
7 FOURTEENTH FLOOR  
8 IRVINE, CA 92614

9  
10 Attorney for Blum:

11  
12 HUNTON & WILLIAMS LLP  
13 INTELLECTUAL PROPERTY DEPARTMENT  
14 1900 K STREET, N.W.  
15 SUITE 1200  
16 WASHINGTON, DC 20006-1109